

# BOARD OF ZONING APPEALS MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

January 12, 2012 - 7:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

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1. Approval of minutes of December 8, 2011

2. Appeal 01-12-1 A request to appeal the decision of the Zoning Administrator, from John P. Custis, Esq., agent for Mr. & Mrs. Luther Carter, 6351 Cropper Street. The property owner converted a retail gift shop into a residence. Section 5.1.3 of the Town Zoning Ordinance requires if a non-conforming use is discontinued for a period of 5 years, it must comply with current zoning. The structure has not been used as a residence since 1962 or 49 years. This property is zoned Residential District R3.

If the decision is upheld, then the applicant request a variance from Section 5.1.3 and sections 2.11, 2.114, 2.115, 3.7 and 3.8 of the Town's Zoning Ordinance. The property is zoned Residential District R-3.

3. Public Participation

4. Board Action on Appeal

Adjourn:

MINUTES OF THE MEETING DECEMBER 8, 2011  
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Robert Cherrix  
Mr. Jack Gilliss  
Mr. Jesse Speidel  
Mr. Donald Thornton

MEMBERS ABSENT:

Mr. Arthur Leonard  
Mr. Edward Moran  
Mr. Mike McGee

Kenny L. Lewis, Staff Support

1. Call to Order

Mr. Speidel called the meeting to order at 7:35 pm.

2. Approval of Minutes of Meeting Held August 11, 2011

Mr. Thornton motioned, seconded by Mr. Gilliss, to approve the minutes as presented. The motion was unanimously approved.

3. Appeal 12-11-1 A request for 3 variances from Michael Starling, agent for Denver & Thelma Mears, 4241 Pension Street. The first request is from Article 3, section 3.6.1.(1) of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to relocate the property line between Parcels 210 & 211. The petitioner wishes to make Parcel 211 which is currently 10,525 sq. ft. in area to a more non-conforming lot of 9,651 sq. ft. in area. Current zoning requires a minimum lot size of 12,500 sq. ft. in area. The second request, from Article 3, section 3.6.3.(1), is to relocate the lot line on parcel 209 adjoining the main structure from a 9.42' side yard setback to a 6.48' side yard setback. Current zoning requires a minimum of 10' side yard setback. The third request is from Article 3, section 6.6.3. The petitioner wishes to eliminate the required two existing parking spaces on parcel 209. Current zoning requires a minimum of 2 parking spaces be on premises.

4. Public Comments

Mr. Michael Starling spoke on behalf of Denver & Thelma Mears.

Mr. Starling advised the purpose of relocating the lot line between parcel 210 & 211 was the A/C unit for Mr. Mears residence (parcel 210) is located on parcel 211 and the residence is located 1.83' from the existing lot line. They would like to move the lot line to make the existing structure and A/C unit conforming for the side yard setback.

Mr. Starling advised that even with making the lot smaller, it still is the 3<sup>rd</sup> largest lot on Pension Street.

Mr. Starling advised that there are currently 5 parcels owned by the Mears. Parcel 208 is to be left as is. Parcel 210 is currently two lots, the northern lot would be eliminated and added to parcels 210 and 209. By relocating the lot lines, a portion of the property would belong to the rear lot line of the Harvey Mears lot therefore increasing the area of this parcel. By relocating the lot line, the existing parking are would remain on parcel 210 and the setback from the side lot line for the Harvey Mears house would be lessened.

Mr. Starling advised that currently there is a driveway on parcel 209 however no pavement is on the property.

5. Board action on appeal

Mr. Speidel motioned, second by Mr. Cherrix to approve the first request from Article 3, section 3.6.1.(1) to relocate the property line between Parcels 210 & 211 which would reduce the lot size from 10,525 sq. ft. in area to a more non-conforming lot of 9,651 sq. ft. in area on parcel 211. All in favor. Motion carried.

Mr. Speidel motioned, second by Mr. Gillis to approve the second request, from Article 3, section 3.6.3.(1), to relocate the lot line on parcel 209 adjoining the main structure from a 9.42' side yard setback to a 6.48' side yard setback. Voting for: Mr. Gillis. Voting against: Mr. Thornton, Mr. Speidel & Mr. Cherrix. Motion denied.

Due to request #2 denied, the third request from Article 3, section 6.6.3 is automatically dismissed.

6. Adjournment

Mr. Speidel adjourned the meeting.

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Jessi Speidel, Acting Chairman

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15  
December 15, 2011

Eastern Shore Post  
P.O. Box 318  
Tasley, VA 23441

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Friday December 30, 2011 and Friday January 6, 2012:

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Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on January 12, 2012 at 7:30 p.m. in the Council Chambers located at 6150 Community Drive to receive public comments and views on the following zoning matters:


**Appeal 01-12-1** A request to appeal the decision of the Zoning Administrator, from John P. Custis, Esq., agent for Mr. & Mrs. Luther Carter, 6351 Cropper Street. The property owner converted a retail gift shop into a residence. Section 5.1.3 of the Town Zoning Ordinance requires if a non-conforming use is discontinued for a period of 5 years, it must comply with current zoning. The structure has not been used as a residence since 1962 or 49 years. This property is zoned Residential District R3.

If the decision is upheld, then the applicant request a variance from Section 5.1.3 and sections 2.11, 2.114, 2.115, 3.7 and 3.8 of the Town's Zoning Ordinance. The property is zoned Residential District R-3.

Kenny L. Lewis  
Zoning Administrator

# MEMORANDUM

To: Board of Appeals

From: Kenny L. Lewis, Zoning Administrator 

Date: December 1, 2011

Subject: Response to John Custis, Esq., Luther Carter Case

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On September 19, 2011 I received a phone call from Luther Carter requesting to remove the 911 number from his structure that fronts Cropper Street.

Upon further discussion, Mr. Carter advised that he has changed the use of the gift shop to a residence. At that time he was notified that this is a zoning and building code violation.

Attached you will find my correspondence to Mr. Carter and correspondence from his attorney, John Custis, Esq.

I would like to go over the letter sent by Mr. Custis. In said letter, page 1, it is stated that the Carter's went to the Board of Zoning Appeals in 1984 to operate the structure for commercial purposes. I must assume this is correct. We have no documentation on file of this appeal.

On page 2, 2<sup>nd</sup> paragraph, Mr. Custis states that I have classified the gift shop as a non-conforming activity. This is incorrect. I classified a previous use of the structure for residential purposes as a non-conforming use.

On page 2, 3<sup>rd</sup> paragraph, Mr. Custis advises that the Carters now wish to use the building as a residential dwelling, a permitted use in the R-3 Zoning District. Although a residential dwelling is a use permitted by right, Section 3.7 "Uses permitted by right" states "The following uses shall be permitted in residential district R-3 subject to all other provisions of this ordinance." Other provisions include: setbacks, minimum land area, attached units vs non-attached. Etc....

On page 5, paragraph 3, Mr. Custis states that "in running the shop, was in no way abandoning or relinquishing the Carters right to use the building as a residential

dwelling". In the correspondence sent to adjoining property owners by Mr. Carter it states "Back in November 1983 when we purchased for a second home the Cliff Daisey residence at 6342 Cleveland Street, it came with several ancillary structures, including a small cottage which some two decades before had been rented by a Coast Guard family but then vacated in disrepair after the 1962 flood."

It appears that the structure prior to seeking a special use permit from the Board of Zoning Appeals was a "non-use" structure, maybe used as a shed. If the structure were to revert to the previous use, then it would be as a "non-use" structure. It is determined by Mr. Caters letter that the structure has not been used as a residence for 49 years. Additionally, when was the other cottage established and was it approved by the Town due to the zoning ordinance prohibited multiple dwellings on a parcel..

The Town of Chincoteague adopted zoning in May of 1969. The zoning ordinance at that time grandfathered uses for a period of two years. If the structure was not used from 1962 through 2011 then the grandfathering expired. The Town annexed the island in 1989 and revised the current zoning ordinance in 1994. In 1994 the Town extended the grandfathering for a 5 year period.

In my opinion there are two matters must be resolved. First is my interpretation correct when section 5.1.3 was applied.

If the interpretation is correct then the Board must look at the regulations that apply where section 5.1.3 states "any subsequent use shall conform to the requirements of this ordinance".

The Carter's nor their attorney requested a variance from either of the code sections listed below. I assume they are requesting a blanket variance for all the items listed below.

This would include the following:

1. Section 30-3.(a) of the Town Code; Flood elevation requirements, structure raised to base flood elevation. The floor system is currently 6.3'. The structure will need to be elevated to 7.0' above mean sea level.
2. Section 3.9.1. (1) of the Town Zoning Ordinance; Minimum lot size; 10,500 square feet in area. The parcel is approximately 8,433.25 square feet in area.
3. Section 3.9.1. (2) of the Town Zoning Ordinance; For each "attached family or dwelling unit" permitted above one, the lot size required shall increase by 3,000 square feet.
4. Section 3.9.3 (1) of the Town Zoning Ordinance; The minimum side yard setback is 10'. The current structure is located 3.3'.
5. Section 3.9.2 of the Town Zoning Ordinance; Structures excluding steps, a landing not greater than 5 feet by 5 feet shall be located a minimum of 25' feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average of the structures on either side...

there are existing structures, the minimum setback may be waived, and the setback line may be the average of the structures on either side...



## TOWN OF CHINCOTEAGUE, INC.

September 21, 2011

Marsha K. Carter  
2722 Chain Bridge Road NW  
Washington DC 20016

RE: Cottage

Dear Mrs. Carter:

On September 19, 2011 your husband contacted this office regarding the 911 address at your shop on Cropper Street.

During this conversation, Mr. Carter advised that you have changed the use of this business to a residential living space.

You nor your contractor contacted this office regarding the change of use. Mr. Burgess did get a building permit to replace the floor system in your store, however he did not advise this office of the change of use.

You and Mr. Carter advised me that the cottage was for personal use. Mr. Carter also advised me that the middle building was also being use as a cottage for personal use. You advised that when you have family members visit you have stayed in the middle structure.

The Town's current zoning regulations prohibit you from changing the use of these structures into living space without first obtaining the necessary building permit and complying with current zoning.

The following information is hereby requested:

1. What are the dimensions of this parcel?
2. Has the health department approved the sewerage for these two cottages?
3. What approved department approved these cottages?
4. Are the cottages located above flood elevation?
5. Residential structures must be placed no closer than 10' from the side lot lines and 25' from the front and rear lot lines. Please submit a site plan that identifies the location of these structures on your property.

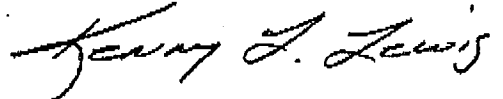


Please submit the above information within the next 15 days. Upon my review of the submitted documents I will notify you of what action must be taken.

Any use of the cottages for living space is hereby prohibited until this matter has been resolved.

If you have any questions regarding this matter please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Kenny L. Lewis".

Kenny L. Lewis  
Building & Zoning  
Administrator

**CUSTIS, DIX & CUSTIS, L.L.P.**

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23345 COUNSEL DRIVE  
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ACCOMAC, VIRGINIA 23301  
E-Mail: john.custis@hotmail.com

HENRY P. CUSTIS, JR.  
THOMAS B. DIX, JR.  
JOHN P. CUSTIS

TELEPHONE  
757-787-2770  
TELECOPIER  
757-787-2352

October 10, 2011

Mr. Kenny L. Lewis  
Building & Zoning Administrator  
Town of Chincoteague, Inc.  
6150 Community Drive  
Chincoteague Island, Virginia 23336

**RE: 6351 Cropper Street, Chincoteague, Virginia 23336 (the "Property")**

Dear Mr. Lewis:

As I mentioned on the phone last week, please be advised that this law firm and the undersigned represent Mr. and Mrs. Luther Carter with respect to the above-referenced property. We are in receipt of your fact-finding letter dated September 21, 2011 (the "**Letter**"), whereby you request certain information pertaining to the Property. This letter is meant to serve as a response to that letter and to provide additional background information with respect to the issue at hand, which we believe may prove useful as you determine how best to proceed with the Carters.

**I. Mrs. Carter's Gift Shop on the Property**

In this letter, I do my best, with the assistance of the Carters, to provide answers to the questions you ask in the Letter. Before providing such answers, I wish to address what we see as the threshold issue in the matter, which is whether the Chincoteague BZA originally intended to grant Mrs. Carter approval to operate a commercial use on the Property with the condition that should such commercial use cease, the Carters would be forced to obtain additional legislative or administrative approvals before again being able to use the former gift shop for residential purposes.

Mr. and Mrs. Carter bought the Property in November of 1983. At that time, all structures currently located on the Property were in existence and in conformance with all applicable zoning regulations. Sometime in 1984 or 1985, Mrs. Carter applied to the Town of Chincoteague for approval to rehabilitate a small structure on the Property fronting on Cropper Street and to operate a small gift shop in the structure.

Although she has no written evidence as it has been over 26 years since the approval, Mrs. Carter specifically remembers, at the time of approval, various conditions that were placed upon her use of the Property as a gift shop by the BZA. One specific condition was that Mrs. Carter could only operate the gift shop so long as she remained the owner of the Property. In addition, Mrs. Carter was not permitted to rent the gift shop out to a tenant for use as a commercial space; therefore, she was the only individual with the right to operate the gift shop in the structure. Furthermore, should Mrs. Carter cease to operate the gift shop at any point or the Carters sell the Property, such commercial use would no longer be permitted on the Property. It was their understanding at that time that should the gift shop close or the Carters sell the Property, the approval for the commercial use would cease and the Property would revert back to its residential use without any further action.

Following her obtaining approval to operate the gift shop in the 80's, Mr. and Mrs. Carter spent thousands of dollars to rehabilitate the structure, including installing a woodstove, kitchenette and bathroom with a shower. The planning for such amenities during the rehabilitation process was based on and in reliance upon the anticipation that the structure would at some point in the future revert back to residential use following the closing of Mrs. Carter's gift shop.

Given that the Carters are now in their 80's, we have come to the time when the operation of the gift shop has ceased. Unfortunately, it now appears that the Carters may be cited for one or more zoning violations as a result of the shop's closing. Because the Carters are no longer using the structure for commercial purposes, the ultimate question becomes to what use does the structure legally revert?

It is hard to image a BZA or Chincoteague body that would require my clients to once again seek any type of approval following the simple reversion of a structure from one approved use to its previous conforming use given the facts and circumstances of this matter. If not, I wonder what outcome the BZA intended for the structure once the shop was closed. Would the BZA at that time have seriously considered requiring the Carters to seek additional approvals to utilize their previously conforming residential structure? Or would the BZA actually intend that the use of a previously conforming structure be completely prohibited without the owners spending an extreme amount of time and money to receive additional approvals to use their once conforming residential structure in a residentially zoned neighborhood.

Given Mrs. Carter's recollection of the conditions placed upon her use of the structure at the time of approval, it only seems logical that the BZA intended to permit the structure to revert back to residential use without further action following the sale of the Property or the ceasing of the gift shop's operation. Any other outcome would bar the Carters use of the structure, which seems not only unreasoned, but also patently unfair. Should the Carters be completely stripped of the use of the structure, it would seem to favor a taking argument under Virginia law.

Unless evidence is provided that would otherwise change this analysis, given the facts and circumstances of this matter, we respectfully request that the issue be dismissed and the Carters be permitted to utilize the structure as they believe is permitted by ordinance and Virginia law.

Should you nevertheless conclude that the Carters' proposition is wrong and that their responses to your questions make issuance of a zoning violation necessary, we ask that this be done in such a way as to allow them to simultaneously (i) appeal such zoning violations to the BZA, and (ii) apply to the BZA for variances to mitigate any zoning violations you may cite. The Carters seek to expeditiously address and remedy any alleged issues, and doing so in this manner will permit an efficient addressing of the ultimate issues. We sincerely appreciate your time and attention to the above information, and hope you will consider it before proceeding in this matter.

## **II. Response to Specific Questions in the Letter**

Please find the answers to your specific questions put forth in the Letter:

1. What are the dimensions of this parcel?

According to the Accomap GIS Application, the approximate dimensions of the Property are 140 feet by 75 feet, or approximately 10,500 square feet.

2. Has the health department approved the sewerage for these two cottages?

The Carters purchased the property in the mid-1980's. At the time of purchase, all structures currently located on the Property were approved for residential use. The Carters have used the Property under this assumption for the past 26 years without question by the Town or the Health Department. It is the Carters' understanding that the original structures were approved for operation and all sewerage for the Property had been approved at the time of their purchase. The Carters have not sought any additional approvals of the sewerage of the Property in the past 26 years because they have had no need to do so.

3. What approved department approved these cottages?

As stated in the previous answer, the cottages located on the Property were in existence at the time the Carters purchased the Property in mid-1980's; therefore, it is the Carter's assumption that the relevant office for the Town of Chincoteague would have approved these structures at such time as they were constructed several decades ago.

4. Are the cottages located above flood elevation?

Please see flood elevation certificates attached hereto as Exhibit A.

5. Please submit a site plan that identifies the location of these structures on your property.

The Carters are not in possession of a site plan for the Property as they have had no reason to have one produced in the past 26 years. If one was prepared, it

would have been submitted to the relevant office at the Town of Chincoteague as required years ago and should be on file in the relevant town office.

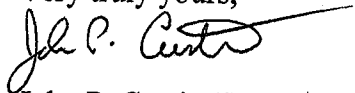
### III. Conclusion

The Carters simply wish to utilize their property as they believe they are entitled pursuant to Virginia law and the past and present zoning regulations of Chincoteague. As mentioned above, at the time of their purchase, the Carters only sought to add to the community through the operation of a small gift shop in their neighborhood. Following its closing, the Carters were under the belief (and rightfully so) that the structure would revert back to its previously conforming residential use without any further action. Any conclusion otherwise will cause extreme hardship and unnecessary time and expense for two members of a community who have provided a treasured gift shop for the community for the past almost three decades.

The recollection and conclusion reached by the Carters are logical and legal, and we hope they are ones with which you agree. In analyzing this issue, I briefly consulted with Jon C. Poulson, Esq., who, as you know, is the Town of Chincoteague's attorney. His insight was helpful, and I hope you will do the same prior to proceeding in this matter. We hope you find the information in this letter useful, and we look forward to hearing from you either way so that we may bring this matter to a close sooner rather than later.

Should you have any questions, please feel free to call me at (757) 787-2770. Many thanks for your assistance with this matter. We sincerely appreciate your time and consideration.

Very truly yours,



John P. Custis, Esq., CPA

Enclosure

cc: Jon C. Poulson, Esq.



# TOWN OF CHINCOTEAGUE, INC.

October 13, 2011

Custis, Dix & Custis, L.L.P.  
John Custis  
P.O. Box 577  
Accomac VA 23301

RE: Luther Carter

Dear Mr. Custis,

I received your correspondence dated October 10, 2011 regarding the information I requested concerning the Carter property located on Cleveland and Cropper Street.

I am still in need of a site plan for the property. I am not requesting a survey be completed for this information. You will need to get someone go by the property and sketch where the existing structures are located, size of structures, setbacks of said structures on the property and the width and depth of the parcel.

Upon receipt of this information I will continue my review.

Sincerely,

Kenny L. Lewis  
Zoning Administrator



# TOWN OF CHINCOTEAGUE, INC.

October 19, 2011

**Certified Mail**

Custis, Dix & Custis, L.L.P.  
John Custis  
P.O. Box 577  
Accomac VA 23301

RE: Luther Carter

Dear Mr. Custis,

I reviewed the documents submitted for the change of use of the retail gift shop to a residential dwelling for the structure located at 6351 Cropper Street owned by Mr. & Mrs. Luther Carter.

The Carter's state that they went to the Board of Zoning Appeals to get a special use permit to change the use of the structure from a residence to a retail store. It appears by their statements that the request was approved by the Board in 1984.

The Carter's stated that the structure was used as a retail store from 1984 through 2011, (26-27 years). Current zoning regulations per Article V. Nonconforming Uses, section 5.1.3 states " *If any non-conforming use (structure or activity) is discontinued for a period exceeding five years, after the enactment of this ordinance(1994), it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this ordinance*".

To conform to the requirements of this ordinance for the change of use, the following regulations must be adhered to:

1. Minimum lot size for three dwelling units on one lot is 16,500 square feet in area. From the measurement submitted from your contractor David Burgess, it appears that parcel is approximately 8,433.25 square feet in area. This would make the parcel 8,066.75 square feet short of that required.
2. Minimum side yard setback for a dwelling unit is 10'. The site plan submitted shows the structure located 3.3' from the side lot line.

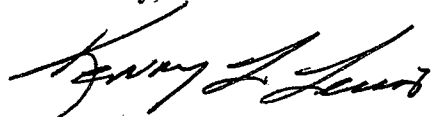
3. Minimum front yard setback is 25' or the average of the structures on either side. Mr. Burgess did not identify the setbacks of those structures.
4. FEMA requirements require that a dwelling be elevated to base flood elevation. The certificate submitted shows the structure being located .7 feet below the base flood elevation.
5. To use this structure for residential purposes, health department approval is required.

Additionally, current zoning regulations per Article V, section 5.1.4 states "*Whenever a non-conforming structure, lot or activity is to be changed to another non-conforming structure, lot or activity, such proposed change may only be made following approval of the Board of Zoning Appeals by special use permit or variance, as applicable*".

You have the right to appeal to the Board of Zoning Appeals for a variance if you so desire. Such appeal must be submitted within 30 days of this notice. Failure to appeal within 30 days voids such right.

If you have any questions regarding this matter please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny L. Lewis", written in a cursive style.

Kenny L. Lewis  
Zoning Administrator



CUSTIS, DIX & CUSTIS, L.L.P.

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THOMAS B. DIX, JR.  
JOHN P. CUSTIS

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November 16, 2011

Mr. Kenny L. Lewis  
Zoning Administrator  
Town of Chincoteague  
6150 Community Drive  
Chincoteague, Virginia 23336

Board of Zoning Appeals  
c/o Mr. Kenny L. Lewis, Zoning Administrator  
Town of Chincoteague  
6150 Community Drive  
Chincoteague, Virginia 23336

**RE: Appeal to Board of Zoning Appeals**  
**Appeal to Board of Zoning Appeals Seeking Variance**  
**Mr. and Mrs. Luther J. Carter**  
**Tax Map #: 30A5-A-515 (the "Property")**  
**Zoning Violation Letter dated October 19, 2011**

Dear Mr. Lewis and Members of the Chincoteague BZA:

Please be advised that the undersigned and this law firm represent Mr. and Mrs. Luther J. Carter (the "Carters") with respect to certain zoning violations cited by the Town of Chincoteague. Specifically, we represent the Carters with respect to that certain zoning violation letter issued by Mr. Kenny L. Lewis, Zoning Administrator for the Town of Chincoteague (the "Zoning Administrator"), dated October 19, 2011 (the "Zoning Violation Letter"), a copy of which is attached hereto as Exhibit A.

This letter is intended to serve as the Carters' appeal of the Zoning Violation Letter pursuant to Section 8.4 of the Zoning Ordinance of the Town of Chincoteague ("Zoning Ordinance"). Should the Chincoteague Board of Zoning Appeals (the "BZA") overrule the Carters' appeal, this letter is also meant to serve as the Carters' appeal for a variance, as is indicated on the Appeal to the BZA form attached hereto as Exhibit B. This appeal is being submitted within the thirty (30) day appeal period established by Section 8.4.1 of the Zoning Ordinance. Also attached is a check in the amount of Four Hundred Fifty Dollars (\$450.00) representing the fee for this appeal.

**I. Summary – Basis for Appeal**

For over two decades, Mrs. Carter operated a small gift shop in a structure currently located on the Property with an address of 6351 Cropper Street (the "Building"). The Property consists of a lot located in the R-3 Zoning District and runs from Cleveland Street to Cropper Street. The Building is one of five structures on the Property, with the Carters' residence located at 6342 Cleveland Street and the Building fronting on Cropper Street. The shop was operated pursuant to a special use permit granted by BZA in 1984. Mrs. Carter closed the shop at the end of 2010, at which time the Carters returned the Building to

its former residential use (a permitted use in the R-3 Zoning District). A sketch showing the Property and other structures located thereon is attached hereto as Exhibit C.

According to the Zoning Violation Letter, the Carters are in violation of the Zoning Ordinance because they failed to get a variance from zoning requirements at such time that they changed the use of the Building from a gift shop to a residential dwelling. Once the gift shop was closed, according to the Zoning Administrator, the Carters could not use the Building as a residential dwelling without a special use permit or variance. Should the Carters fail to do this, the Zoning Administrator has directed the Carters not to use the Building for residential purposes, notwithstanding its location in the R-3 Zoning District.

As a basis for their appeal, the Carters point out that the Zoning Administrator's classifying the act of operating a gift shop as a nonconformity is incorrect. In this instance, a nonconforming use is an activity that when established is legal but is one that fails to comply following a new ordinance's enactment. Notwithstanding this definition of a nonconformity, under Virginia law, any activity carried on pursuant to a special use permit is an activity that is deemed in compliance with the provisions of zoning regulations and, therefore, is a conforming use.

The Carters' use of the Building as a gift shop was a *conforming* use pursuant to a special use permit obtained from the BZA in 1984. At that time, the Carters obtained under Virginia law a vested right to operate the store until its closing pursuant to the special use permit. Because the use was conforming following the adoption of the Zoning Ordinance by the Town of Chincoteague, it is not legally possible under the Zoning Ordinance to define such an activity as a nonconforming use. At its closing, the Carters were permitted to carry on any activity in the Building so long as the activity was a permitted use in the R-3 Zoning District under the Zoning Ordinance. The Carters now wish to use the Building as a residential dwelling, a permitted use in the R-3 Zoning District.

The Carters concede that the Building is a nonconforming *structure*, but under Virginia law (both Virginia Code and the Zoning Ordinance), the Carters are permitted to maintain the current condition and location of the Building so long as the structural nonconformity is not expanded or enlarged. Because of the Zoning Administrator's incorrect classification of the activity carried on inside of the Building as a nonconformity, I, on behalf of the Carters, respectfully request that the BZA overturn the Zoning Administrator's cited violations as described in the Zoning Violation Letter.

Should the BZA reject the Carters' appeal, I, on behalf of the Carters, respectfully request that the BZA grant a variance to relieve the Carters of the hardship they are suffering with respect to the alleged violations as described in the Zoning Violation Letter.

## **II. Background Facts**

Mr. and Mrs. Carter bought the Property in November of 1983. At that time, the Building was in its current location and was considered to be a nonconforming structure. Sometime in 1984, Mrs. Carter applied to the Town of Chincoteague for approval to operate a small gift shop in the Building. The Town granted her a special use permit to do so and for over 25 years Mrs. Carter did exactly that. It is this structure that is the subject of this appeal.

The Town of Chincoteague has no BZA records from the mid-1980's and Mrs. Carter received no permit document at the time of the approval. But Mrs. Carter specifically remembers, at the time of approval, various conditions that were placed upon her use of the Building as a gift shop by the BZA. One specific condition was that Mrs. Carter could only operate the gift shop so long as she remained an owner of the Property. In addition, Mrs. Carter was not permitted to rent the gift shop out to a tenant for use as a

commercial space; therefore, she was the only individual with the right to operate the shop. Furthermore, should Mrs. Carter cease to operate the gift shop at any point or the Carters sell the Property, such commercial use would no longer be permitted on the Property. It was the Carters' understanding at that time that should the gift shop close or the Carters sell the Property, the special use permit would cease and the Property would revert back to its residential use without any further action.

Following Mrs. Carter's obtaining the special use permit in 1984, Mr. and Mrs. Carter spent thousands of dollars to rehabilitate the structure, including installing a woodstove, kitchenette and bathroom with a shower. The planning for such amenities during the rehabilitation process was based on and in reliance upon the anticipation that the structure would at some point in the future return to residential use following the closing of Mrs. Carter's gift shop. All rehabilitation of the nonconforming structure was done in conformance with the existing zoning regulations, therefore the original structure maintained its nonconforming status.

In the mid-1990's, the Town Council of Chincoteague adopted the Zoning Ordinance, which zoned the Property R-3. Given that the Carters are now in their 80's, we have come to the time when the operation of the gift shop has ceased and the Carters wish to utilize the Building as a residential dwelling as permitted in the R-3 Zoning District. Following the closing, the Carters unwittingly brought on their present predicament when Mr. Carter asked the Zoning Administrator whether the Cropper Street address for the Building should not be eliminated inasmuch as the shop was now closed and the Building was returning to the permitted residential use.

The Zoning Administrator's response was to issue a letter of formal inquiry demanding a site plan and other information relevant to compliance with the zoning code (the "*Request Letter*"), a copy of which is attached hereto as Exhibit D. The Carters, by counsel, responded with that certain letter to the Zoning Administrator dated October 10, 2011 (the "*Response Letter*"), a copy of which is attached hereto as Exhibit E, in which the Carters provided the Zoning Administrator the requested information, as well as requesting that the Zoning Administrator reach out to the Town Attorney for guidance on this admittedly complicated legal matter. Following a review of the information in the Response Letter, the Zoning Administrator issued the Zoning Violation Letter, which precipitated this appeal. The Carters would like to point out that, although they recommended the Zoning Administrator reach out to the Town Attorney for legal guidance on the issue, on information and belief, no such contact was made.

### **III. Use of Building as Gift Shop was Conforming under the Zoning Ordinance**

#### ***A. Nonconformities Under the Zoning Ordinance***

The main issue of this appeal turns on the definitions of a nonconforming use, nonconforming activity and nonconforming structure under the Zoning Ordinance. Each is distinctly defined in the Zoning Ordinance and each definition is critical to the analysis required hereunder. Bear in mind that in zoning parlance nonconformities are legal if they began at a time preceding the adoption of zoning requirements which they do not then meet.

#### **1. Nonconforming Use**

Section 2.111 of the Zoning Ordinance defines a non-conforming use as a "use that is not permitted by the zoning regulations of the district in which it is located. If it is established after the enactment of the ordinance, it is illegal and the property owner may be required to discontinue it. But, if it existed before the zoning regulations, it is a legal nonconforming use and may continue, although a new or different nonconforming use may not replace it." A nonconforming use under the Zoning Ordinance is a blanket term for three specific types of nonconformities: a nonconforming activity, a nonconforming structure

and a nonconforming lot. For purposes of this appeal, only the definition of a nonconforming activity and a nonconforming structure will be addressed.

## 2. Nonconforming Activity

Section 2.111 of the Zoning Ordinance defines nonconforming *activity* as an “otherwise legal use of a building or structure...that does not conform to the use regulations of this ordinance for the district in which it is located...at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.” In other words, a nonconforming activity is a legal, conforming activity prior to the effective date of a zoning ordinance, but following a new ordinance’s enactment becomes nonconforming to the uses permitted in the district in which the activity is occurring. A nonconforming activity specifically focuses on the activity on a property or within a building and not on the physical area regulations of a structure or lot.

## 3. Nonconforming Structure

Section 2.114 of the Zoning Ordinance defines a nonconforming *structure* as a “an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or a as result of subsequent amendment to the ordinance.” A nonconforming structure, therefore, is one which was a conforming structure prior to the enactment of a zoning ordinance, but does not conform to the lot area, yard, height, lot coverage or other area regulations of that ordinance.

### *B. Use of Building as Gift Shop was Conforming under the Zoning Ordinance*

#### 1. Gift Shop Not a Nonconformity

Virginia courts have held that an activity carried out pursuant to a special use permit is classified as a conforming activity under a zoning ordinance.<sup>1</sup> Therefore, an activity that was conforming both prior to and after the enactment of Zoning Ordinance cannot be defined as a nonconformity as it fails to meet the standard required following enactment of a new ordinance.

In the instant matter, the zoning violations cited in the Zoning Violation Letter are purely based on the change in the use of the Building from a commercial use (under a special use permit) to a residential dwelling (permitted use in R-3 Zoning District). The Zoning Administrator specifically cites Section 5.1.3 of the Zoning Ordinance as his basis for the violations, implying his classification of the gift shop as a nonconforming activity. This classification is incorrect under Virginia law. As stated above, any activity carried on pursuant to a special use permit is a conforming activity and therefore cannot, by definition, be classified as a nonconforming activity.

While the operation of a gift shop carried on in the Building cannot by definition be classified as a nonconforming activity, the Carters concede that the Building itself is a nonconforming *structure*. Unfortunately, the Zoning Administrator in the Zoning Violation Letter failed to distinguish the type of nonconformity (activity, structure or lot) on which he was basing his violations. The failure to distinguish between the type of nonconformity in this matter materially alters what should be the ultimate conclusion of this case. The violations cited are based on the Zoning Administrator’s focus on the use (activity) of the Building, while the demands he requires appear to focus on the physical structure of the Building. This, again, is an incorrect application of Virginia law and must be overturned. A change in a conforming

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<sup>1</sup> See *Hughey et al. v. Fairfax County BZA*, 41 Va. Cir. 138 (Fairfax County 1996).

activity does not trigger changes to the nonconforming structure of a building and such is specifically addressed in both the Virginia vested rights statute and the Zoning Ordinance.

In the instant matter, the operation of the gift shop by the Carters was carried on for 25 years pursuant to a special use permit obtained by Mrs. Carter from the BZA in 1984. Therefore, according to the law of Virginia, the use of the Building by the Carters as a gift shop was a conforming activity pursuant to the special use permit both prior to and following the enactment of the Zoning Ordinance. By definition, it is impossible that the Carter's use of the Building was a nonconforming activity because a nonconforming activity requires nonconformance following the adoption of a new zoning regulation. The gift shop was conforming following the enactment of the ordinance pursuant to a special use permit, therefore any violation based on the Zoning Administrator's classification of the use as a nonconforming activity is incorrect and must be overturned.

## 2. Building is a Nonconforming Structure

The Carters admit that while the activity carried on by Mrs. Carter was a conforming *activity* pursuant to a special use permit, the structure in which it was carried on is a nonconformity. The distinction is critical in that a nonconforming structure, if not enlarging or expanding the nonconformity, is permitted to remain in its current condition pursuant to the vesting rights statute under Virginia law<sup>2</sup> and under Section 5.1.1 of the Zoning Ordinance. To require otherwise would be in violation of the vested rights that the Carters currently possess under Virginia law. Based on this analysis, the Building is a nonconforming structure that must be permitted to remain on the Property in its current condition and location notwithstanding a change from one permitted use to another.

## 3. Conclusion

The ultimate conclusion with respect to this matter is that the use of the Building as a gift shop was not by definition a nonconforming activity. To hold otherwise is incorrect and contrary to Virginia law. Again, the Carters concede that the Building is a nonconforming structure, but the vesting rights statute in Virginia the Zoning Ordinance permit the structure to remain in its current condition and location so long as the structural nonconformity is not expanded or enlarged. It is not being expanded or enlarged in this matter; therefore, we respectfully request that the BZA overturn the violations cited in the Zoning Violation Letter as the violations are based on an erroneous conclusion by the Zoning Administrator that the Building had ceased to be a legally nonconforming structure. Mrs. Carter, in running the shop, was in no way abandoning or relinquishing the Carters right to use the Building as a residential dwelling. Nor were she and her husband required to seek any permit to retain that right, which was theirs by law. Accordingly, the Building must be permitted to remain in its current condition so long as the structure is not enlarged or expanded. Furthermore, the Carters must be permitted to use the Building as permitted in the R-3 Zoning District by right, including operating it as a residential dwelling notwithstanding the structural nonconformities cited by the Zoning Administrator in the Zoning Violation Letter.

## IV. Request for Variance

In the alternative, should the BZA uphold the Zoning Administrator's alleged violations contained in the Zoning Violation Letter, I do hereby request, on behalf of the Carters, that the BZA grant a variance to the Carters to relieve them of the hardship created as a result of the Zoning Violation Letter.

Pursuant to Section 8.2.2 of the Zoning Ordinance, in order to grant a variance, the BZA must find that (i) the strict application of this ordinance produces an undue hardship; (ii) the hardship is not shared

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<sup>2</sup> Virginia Code §15.2-2307 (2008 Repl. Vol.)

generally by other properties in the same zoning district and the same vicinity; and (iii) that the authorization of the variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

With respect to the matter at hand, Mrs. Carter operated a small gift shop for 25 years in the Building. Upon receiving permission to operate a gift shop by the BZA in 1984, the Carters spent thousands of dollars to renovate the Building into the attractive structure it is today. Unfortunately, the Zoning Administrator in the Request Letter has demanded that all residential use of the Building cease as a result of his classification of the previous use of the Building as a nonconforming use. Should the BZA not grant a variance, the Building would be left vacant and unusable according to the Zoning Administrator. As a result, the Carters will lose all beneficial use of the Building. Such an outcome causes an extreme hardship that approaches (if not exemplifies) confiscation. Such an outcome surely justifies the granting of a variance.

Second, the hardship suffered by the Carters is not one that is shared generally by any other properties in the zoning district. On information and belief, the Carters are the only individuals being required to take such extreme measures to remedy what they believe to be a hardship that is being created solely by the Zoning Violation Letter. No other property owner in the zoning district is being required to physically modify a structure as the Carters are being told to do, therefore the second requirement for a variance is met.

Finally, the authorization of the variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by the granting of a variance. The Building has been on the property for at least fifty years. No new structure is being built, expanded, or enlarged, and the activity being utilized inside the Building will be residential, which is a permitted use within the R-3 Zoning District. The granting of the variance will simply permit the Carters to maintain an already existing structure in its present condition and location, while permitting the Carters to utilize the structure in a manner permitted by and planned for in a residentially zoned district.

Because all three requirements are met under Section 8.2.2 of the Zoning Ordinance, the Carters do hereby respectfully request that the BZA grant them a variance from the hardship created by the alleged violation of the Zoning Ordinance as stated in the Zoning Violation Letter.

## **V. Conclusion**

The Carters have been the owners of the Property on Chincoteague since the early 1980's. They spent thousands of dollars renovating a structure years ago in reliance upon representations that they would one day be able to use the structure as a residential dwelling. Unfortunately, they are now erroneously being informed that no such right exists. Such a denial of their lawful and vested legal right is an incorrect application of Virginia law and must be overturned.

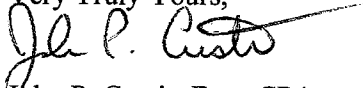
Under Virginia law, the Carters ceased one use permitted under the Zoning Ordinance (the operation of a gift shop by a special use permit) and now desire to use the Building as a residential dwelling, which is clearly a permitted use in the R-3 Zoning District. There is absolutely nothing under Virginia law that requires the Carters to seek additional zoning approvals for such a change between permitted uses. Furthermore, the Carters have a vested right in the physical location and condition of the Building, and according to Virginia Code, cannot be arbitrarily required to alter the structure given its status as a nonconforming structure.

Because the conclusion in the Zoning Violation Letter is incorrect under Virginia law, the Carters respectfully request that the BZA overrule the violations cited in the Zoning Violation Letter and permit

the Carters to again lawfully use their legally existing nonconforming structure for any of the permitted uses allowed in the R-3 Zoning District. Should the BZA uphold the citations in the Zoning Violation Letter, the Carters respectfully request that the BZA grant a variance to relieve the hardship created by the alleged violations cited in the Zoning Violation Letter.

We thank you for your time and consideration of this matter, and we look forward to discussing the matter further with you at the public hearing. Should you have any questions or concerns, please don't hesitate to call or email me.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "John P. Custis", with a long, sweeping horizontal line extending from the end of the signature.

John P. Custis, Esq., CPA

Enclosures

cc: William Neville, Planning Commission Secretary

# CHINCOTEAGUE, VIRGINIA APPEAL TO THE BOARD OF ZONING APPEALS

APPEAL CASE NUMBER: \_\_\_\_\_

FEE: \$ \_\_\_\_\_

I, John P. Custis, Esq.,

AGENT FOR Mr. & Mrs. Luther J. Carter WOULD LIKE TO FILE THE  
FOLLOWING APPEAL WITH THE BOARD OF ZONING APPEALS BASED UPON THE NOTED  
STATE CODE(S):

TITLE 15.2, CODE OF VIRGINIA, 1959 (AS AMENDED)

(CHECK ALL THAT APPLY)

1. ☐ AN APPEAL OF AN OFFICER, REQUIREMENT, DECISION OR DETERMINATION  
OF AN ADMINISTRATIVE OFFICER.
2. ☒ AN APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR.
3. ☐ AN INTERPRETATION OF THE DISTRICT ZONING MAP, IN THAT THERE IS AN  
UNCERTAINTY AS TO THE LOCATION OF A DISTRICT BOUNDARY.
4. ☒ AN APPEAL FOR A VARIANCE. THE APPLICANT IS REQUIRED TO SHOW THAT  
A LAND USE HARDSHIP EXIST. SEE ATTACHED EXAMPLE SHEET FOR  
HARDSHIP CRITERIA.
5. ☒ AN APPEAL FOR A VARIANCE OF THE FLOOD PLAIN MANAGEMENT  
ORDINANCE

BOARD OF ZONING APPEALS USE ONLY:

MEETING DATE: 1/12/12

APPEAL ACTION:

☐ APPROVED

☐ DENIED

☐ CONDITIONAL: \_\_\_\_\_

\_\_\_\_\_  
BZA, SECRETARY

DATE: \_\_\_\_\_



THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)

6351 Cropper Street, TAX MAP # 30A5-A-515

THIS PROPERTY IS OWNED BY:

NAME: Mr. & Mrs. Luther J. Carter

ADDRESS: 6342 Cleveland Street

CITY, STATE, ZIP: Chincoteague, VA 23336

PHONE: 202-669-2849 WORK PHONE: N/A

HAS ANY PREVIOUS APPLICATION OR APPEAL BEEN FILED IN CONNECTION WITH THESE PREMISES?

☒ NO  
☐ YES, EXPLAIN; \_\_\_\_\_

IS THIS APPEAL FILED DUE TO A ZONING VIOLATION IDENTIFIED BY THE ZONING ADMINISTRATOR?

☐ NO  
☒ YES, IF THE VIOLATION HAS NOT BEEN CORRECTED,  
EXPLAIN WHY; Please See Notice of Appeal Letter and Attached  
Explanation

ARTICLE(S) AND SECTION(S) THAT APPLIES TO YOUR APPEAL:

(1.) ARTICLE: V SECTION: 5.1.3.  
REQUIRES: Subsequent Use comply with ordinance after nonconformity ceases  
REASON FOR YOUR APPEAL: Previous use of Property was not a nonconforming activity - See Notice of Appeal Letter

(2.) ARTICLE: V SECTION: 5.1.4  
REQUIRES: Variance or SUP for nonconforming use  
REASON FOR YOUR APPEAL: Previous use of Property was not a nonconforming activity - See Notice of Appeal Letter

(3.) ARTICLE: \_\_\_\_\_ SECTION: \_\_\_\_\_  
REQUIRES: \_\_\_\_\_  
REASON FOR YOUR APPEAL: \_\_\_\_\_

Article II, Sections 2.111, 2.114, 2.115 - See Notice of Appeal Letter  
Article III, Sections 3.7 and 3.8 - "

**GUIDELINES USED BY THE BOARD OF ZONING APPEALS IN GRANTING A VARIANCE**

In order for the Board of Zoning Appeals to review your request for a variance, the threshold question for the BZA in considering an application for a variance "whether the effect of the zoning ordinance upon the property under consideration, as it stands, interferes with all reasonable beneficial uses of the property, taken as a whole". If the answer is in the negative, the BZA has no authority to go further.

☒ yes - interferes with all reasonable beneficial uses of the property  
☐ no

Please answer the following questions:

(1). Does the strict application of the ordinance result in unnecessary or unreasonable hardship to the property owner?

☒ yes, Explain;

Please see Notice of Appeal letter - Section IV, page 6

☐ no

(2). Is the need for the variance shared generally by other properties?

☐ yes, Explain;

☒ no

(3). <sup>(A)</sup> Is the variance contrary to the intended <sup>spirit</sup> spirit and purpose of the ordinance, and <sup>(B)</sup> would result in substantial justice being done.

☐ yes, Explain;

Yes, would result in substantial justice

See Notice of Appeal letter - Section IV, page 6

No, not contrary to intended spirit & purpose of ordinance

☐ no

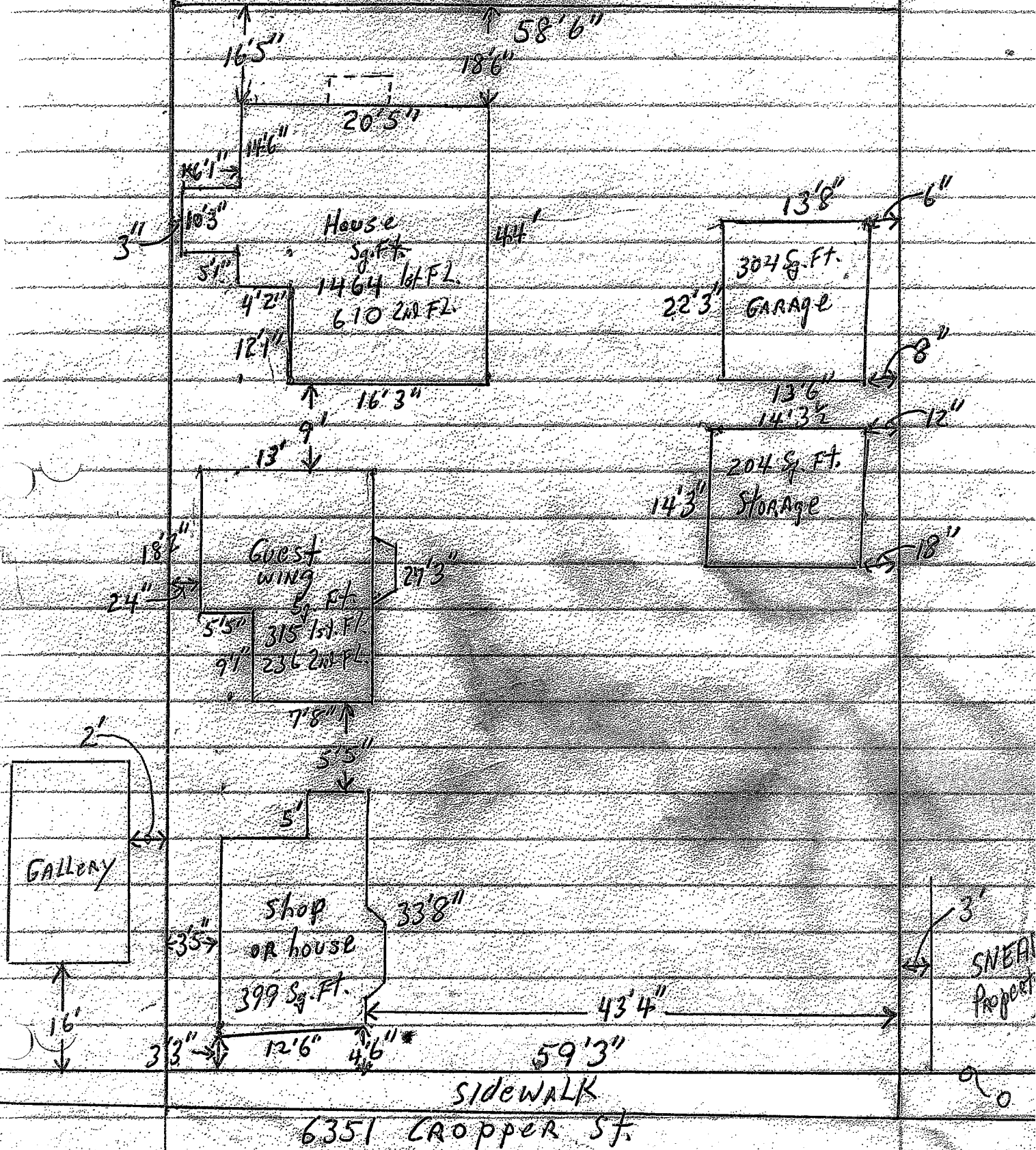
All of the above questions must be answered. Failure to complete the above questions shall result in your application not being processed.

Mr & Mrs Luther Carter

10/18/11

6342 CLEVELAND ST.

sidewalk



***Luther and Marsha Carter  
c/o John P. Custis, Esq.  
Custis, Dix & Custis, L.L.P.  
P.O. Box 577, Accomac, Va. 23301***

November 5, 2011

Dear Friends and Neighbors,

Marsha and I are appealing to the Board of Zoning Appeals a ruling by the Chincoteague Zoning Administrator, Kenny L. Lewis, which as it stands leaves us confronting the dilemma of either spending tens of thousands of dollars to bring up to code the cottage at 6351 Cropper Street formerly used for Marsha Carter Gifts or suffering the loss of all beneficial use of this property. In a word, we ask that you check off the enclosed form to show that you find no objection to the granting of a variance for all the violations cited by Mr. Lewis and return the form to us in care of our attorney, as shown above.

We ask, too, that at your discretion you review the facts of this matter as set out below and, if you wish, write a brief note giving your opinion as to whether, on the face of it, Mr. Lewis may have overstepped his authority, especially in light of his citing us for zoning violations without consulting the Chincoteague Town Attorney as we urged him to do. We are asking the BZA, in the first instance, to disapprove his ruling as invalid. If you write such a note, kindly return it to us along with the BZA form referred to above.

Back in November 1983 when we purchased for a second home the Cliff Daisey residence at 6342 Cleveland Street, it came with several ancillary structures, including a small cottage which some two decades before had been rented by a Coast Guard family but then vacated in disrepair after the 1962 flood. This cottage fronts on Cropper Street, which parallels Cleveland to the south, and it adjoins the lot line immediately to the west. We remodeled this cottage with an eye to its eventual return to residential use as part of our home, with a woodstove, kitchenette, and full bath included in the remodeling.

But Marsha had decided that her immediate use of the cottage would be as a shop, and she obtained from the town or the BZA a conditional special use permit for the shop that was granted only by virtue of her status as an owner and resident of the larger property. The town has no records of special use permits from this period and Marsha has never given a permit document.

Late last year Marsha closed her shop and, beginning early this year, she had

David Burgess, our contractor, further remodel the cottage for its return to residential use. But Mr. Lewis is stating that because of the change of use, the cottage must now conform to all the requirements of the 1994 zoning ordinance as to setbacks, flood elevations, and the like, this notwithstanding the immunity it previously enjoyed as a nonconforming structure. We believe that this is an incorrect interpretation of Virginia law, and that it was quite unfair to us for Mr. Lewis, a non-lawyer, to proceed with a determination of zoning violations without first consulting Jon C. Poulson, the Town Attorney.

Thank you for your attention to this request. We shall greatly appreciate your help.

Sincerely,

*Luther and Marsha*  
Luther and Marsha Carter

P.S. On the attached form you will see a place where you are asked for your tax map number. In case you do not have that number, John Custis, our attorney, will provide it if you call him at 757-787-2352. If you don't have time for this, it's better to leave that space blank than to not return the form at all. Thank you.

# ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expires March 31, 2012

Important: Read the instructions on pages 1-9.

## SECTION A - PROPERTY INFORMATION

Building Owner's Name <u>Luther J. Carter</u>		For Insurance Company Use:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>6342 Cleveland Street</u>		Policy Number
City <u>Chincoteague</u> State <u>VA</u> ZIP Code <u>23336</u>		Company NAIC Number
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <u>Accomack County Tax Map 30A5-A-515 (blue bungalow)</u>		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Accessory</u>		
A5. Latitude/Longitude: Lat. <u>37°55'53.75"</u> Long. <u>75°22'32.91"</u>		Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>8</u>		
A8. For a building with a crawlspace or enclosure(s):		A9. For a building with an attached garage:
a) Square footage of crawlspace or enclosure(s) <u>438</u> sq ft		a) Square footage of attached garage <u>N/A</u> sq ft
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>		b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>
c) Total net area of flood openings in A8.b <u>0</u> sq in		c) Total net area of flood openings in A9.b <u>N/A</u> sq in
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number <u>Town of Chincoteague 510002</u>		B2. County Name <u>Accomack</u>		B3. State <u>VA</u>	
B4. Map/Panel Number <u>51001C0275</u>	B5. Suffix <u>F</u>	B6. FIRM Index Date <u>3/16/09</u>	B7. FIRM Panel Effective/Revised Date <u>3/16/09</u>	B8. Flood Zone(s) <u>AE</u>	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) <u>7.0'</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other (Describe) _____					
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other (Describe) _____					
E Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date <u>N/A</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings\* ☐ Building Under Construction\* ☒ Finished Construction  
\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.  
Benchmark Utilized JR3 - 1975 Vertical Datum NGVD 1929  
Conversion/Comments \_\_\_\_\_

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) <u>5.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor <u>6.3</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only) <u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab) <u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) <u>6.3*</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG) <u>5.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade next to building (HAG) <u>5.3</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support <u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001. ☐  
Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

Surveyor's Name <u>GEORGE E. YOUNG, III</u>	License Number <u>VA 1700</u>
Title <u>LAND SURVEYOR</u>	Company Name <u>GEORGE E. YOUNG, III P.C.</u>
Address <u>2317 STOCKTON ROAD</u>	City <u>POCOMOKE CITY</u> State <u>MD</u> ZIP Code <u>21851</u>
Signature <u>[Signature]</u>	Date <u>9/15/2011</u> Telephone <u>410-957-2149</u>

**COMMONWEALTH OF VIRGINIA**  
**GEORGE EDWIN YOUNG, III**  
**NO. 1700**  
**LAND SURVEYOR**

**IMPORTANT: In these spaces, copy the corresponding information from Section A.**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

6342 Cleveland Street

City Chincoteague State VA ZIP Code 23336

For Insurance Company Use:

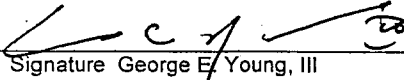
Policy Number

Company NAIC Number

**SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments \* C2e - hot water heater is on first floor.

Signature  George E. Young, III

Date 9/15/2011

☐ Check here if attachments

**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

**SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name

Address

City

State

ZIP Code

Signature

Date

Telephone

Comments

☐ Check here if attachment

**SECTION G - COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number

G5. Date Permit Issued

G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_ ☐ feet ☐ meters (PR) Datum \_\_\_\_\_

G9. BFE or (in Zone AO) depth of flooding at the building site: \_\_\_\_\_ ☐ feet ☐ meters (PR) Datum \_\_\_\_\_

G10. Community's design flood elevation \_\_\_\_\_ ☐ feet ☐ meters (PR) Datum \_\_\_\_\_

Local Official's Name

Title

Community Name

Telephone

Signature

Date

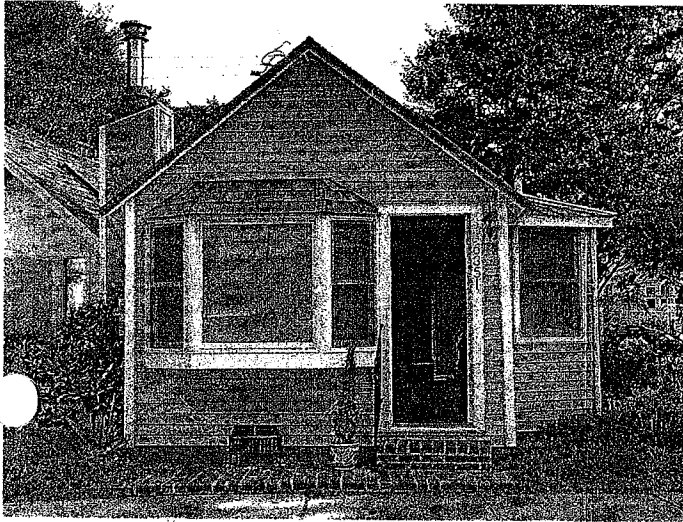
Comments

☐ Check here if attachment

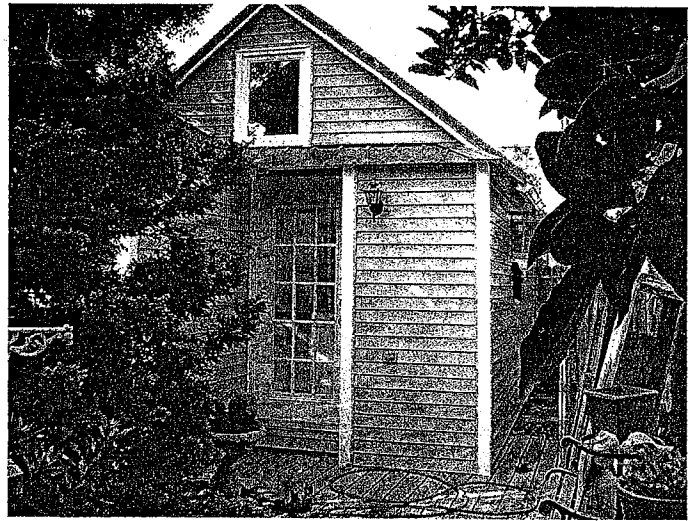
# Building Photographs

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 6342 Cleveland Street	For Insurance Company Use: Policy Number
City Chincoteague State VA ZIP Code 23336	Company NAIC Number
<p>If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.</p>	



FRONT VIEW



REAR VIEW



RIGHT SIDE VIEW



LEFT SIDE VIEW



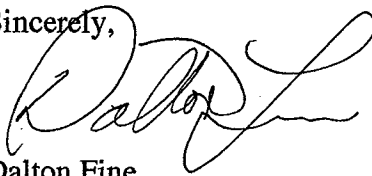
917 Green Grove Rd.  
Spring Mills, PA 16875  
November 9, 2011

Mr. John P. Custis, Esq., CPA  
Accawmacke Office Center  
23345 Counsel Drive  
P. O. Box 577  
Accomac, VA 23301

Dear Mr. Custis,

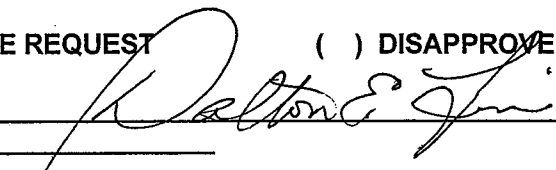
In response to your letter of November 4, 2011, I would like to state that the small cottage at 6351 Cropper Street seems to be quite adequate and functional as it has been since 1984. My wife and I have no problem with this structure as it currently exists. Considering the current times and economic conditions I feel it would be prudent and logical to approve the Carter's appeal.

Sincerely,



Dalton Fine

PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP #	<u>30A5-19-34</u>	LOCATION OF PROPERTY	<u>I own the Parcel Directly North of Property on Cleveland Street</u>
NAME:	<u>Dalton E. Fine</u>		
ADDRESS:	<u>917 Green Grove Road</u> <u>Spring Mills, PA 16875-8522</u>	PHONE:	<u>814-422-0663</u> <u>cell 610-207-5163</u>
COMMENTS:			
<input checked="" type="checkbox"/> (X) APPROVE REQUEST <input type="checkbox"/> ( ) DISAPPROVE REQUEST			
SIGNATURE:	<u></u>		DATE: <u>Nov. 9, 2011</u>

TAX MAP #	_____	LOCATION OF PROPERTY	_____
NAME:	_____		
ADDRESS:	_____	PHONE:	_____
COMMENTS:	_____		
<input type="checkbox"/> ( ) APPROVE REQUEST <input type="checkbox"/> ( ) DISAPPROVE REQUEST			
SIGNATURE:	_____		DATE: _____

TAX MAP #	_____	LOCATION OF PROPERTY	_____
NAME:	_____		
ADDRESS:	_____	PHONE:	_____
COMMENTS:	_____		

PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP #	LOCATION OF PROPERTY <u>63410 Cropper ST,</u>	
NAME:	<u>MARY Esther Montresor; daughter of Mary Browdy</u>	
ADDRESS:	<u>6496 Coach's Lane</u>	PHONE: <u>410-960-9728</u>
<u>Chincoteague IS, VA 23336</u>		
COMMENTS:	<u>I used to live in the house across the</u>	
<input checked="" type="checkbox"/> APPROVE REQUEST	<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:	<u>Mary Esther Montresor</u>	DATE: <u>11-16-2011</u>

street from Marsha Carter's shop. My mother owns that house. In the late 80s I moved to the mainland but I wanted to open a small shop on Mom's porch. My initial request for a business lic. was denied b/c I no longer lived in the house. When I mentioned Marsha's shop, I was told by then Town Manager, J. Jefferies, that she got the permit b/c that was considered to be a part of her house. It was connected by a roof type structure & therefore part of the main structure. He may

PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP #	<u>30A5-19-33</u>	LOCATION OF PROPERTY	<u>6343 CLEVELAND ST.</u> <u>CHINESTEAQUE, VA</u>
NAME:	<u>Ruby Q. Brasure c/o Kay B. Loving</u>		
ADDRESS:	<u>6343 CLEVELAND ST.</u> <u>CHINESTEAQUE, VA</u>	PHONE:	<u>757-332-8879</u>
COMMENTS:	<u>I worked at Martha's Center for 25 yrs. I think to be available</u> <u>has been</u>		
<input checked="" type="checkbox"/> APPROVE REQUEST		<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:	<u>Ruby Brasure</u>	DATE:	<u>Nov. 14,</u>

TAX MAP #	_____	LOCATION OF PROPERTY	_____
NAME:	_____		
ADDRESS:	_____	PHONE:	_____
COMMENTS:	_____		
<input type="checkbox"/> APPROVE REQUEST		<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:	_____	DATE:	_____

TAX MAP #	_____	LOCATION OF PROPERTY	_____
NAME:	_____		
ADDRESS:	_____	PHONE:	_____
COMMENTS:	_____		

PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP #	3045-A-516	LOCATION OF PROPERTY	next door 6357 Cropper
NAME:	William R. Sneed / Stephen A. Joe		
ADDRESS:	Cropper Dr	PHONE:	
COMMENTS:	I believe Center should have passed agreements honored		
<input checked="" type="checkbox"/> APPROVE REQUEST	<input type="checkbox"/> DISAPPROVE REQUEST		
SIGNATURE:	Helene K Joe CPA	DATE:	Nov 10, 2011

TAX MAP #		LOCATION OF PROPERTY	
NAME:			
ADDRESS:		PHONE:	
COMMENTS:			
<input type="checkbox"/> APPROVE REQUEST	<input type="checkbox"/> DISAPPROVE REQUEST		
SIGNATURE:		DATE:	

TAX MAP #		LOCATION OF PROPERTY	
NAME:			
ADDRESS:		PHONE:	
COMMENTS:			

7011 0470 0001 0 7 8039

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *William R. Sneed*  
 Street, Apt. No.;  
 or PO Box No. *10 Sloop Ct.*  
 City, State, ZIP+4<sup>®</sup>  
*Barneset, NJ 08005*

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *Henry & Mary Terhune*  
 Street, Apt. No.;  
 or PO Box No. *3304 Holloman Rd*  
 City, State, ZIP+4<sup>®</sup>  
*Falls Ch, VA 22042*

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Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *Robert & Marie Beckwith*  
 Street, Apt. No.;  
 or PO Box No. *13040 Prices Distillery Rd*  
 City, State, ZIP+4<sup>®</sup>  
*Clarksburg, MD 20871*

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *Nancy L Tolbert*  
 Street, Apt. No.;  
 or PO Box No. *6350 Clevehead St*  
 City, State, ZIP+4<sup>®</sup>  
*Chincoteague, VA 23331*

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *Fredrick & Gail Ficken*  
 Street, Apt. No.;  
 or PO Box No. *6347 Clevehead St.*  
 City, State, ZIP+4<sup>®</sup>  
*Chincoteague, VA 23331*

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Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To *Ruby & Brasare & Kay B. Loving*  
 Street, Apt. No.;  
 or PO Box No. *6343 Clevehead St.*  
 City, State, ZIP+4<sup>®</sup>  
*Chincoteague, VA 23331*

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6368 Cooper Street  
Chino, VA 23336

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To

Mr. Fox Edward Fine  
817 Green Grove Rd  
Sbrinc Wille, PA 16825

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To  
Mr. Burton Jones  
6368 Cooper St.  
Chino, VA 23336

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.79	11/05/2011

Sent To  
Ronald A. Matthews & Deaf O'Hlini  
73 Cedar Rd  
Park PA 15504

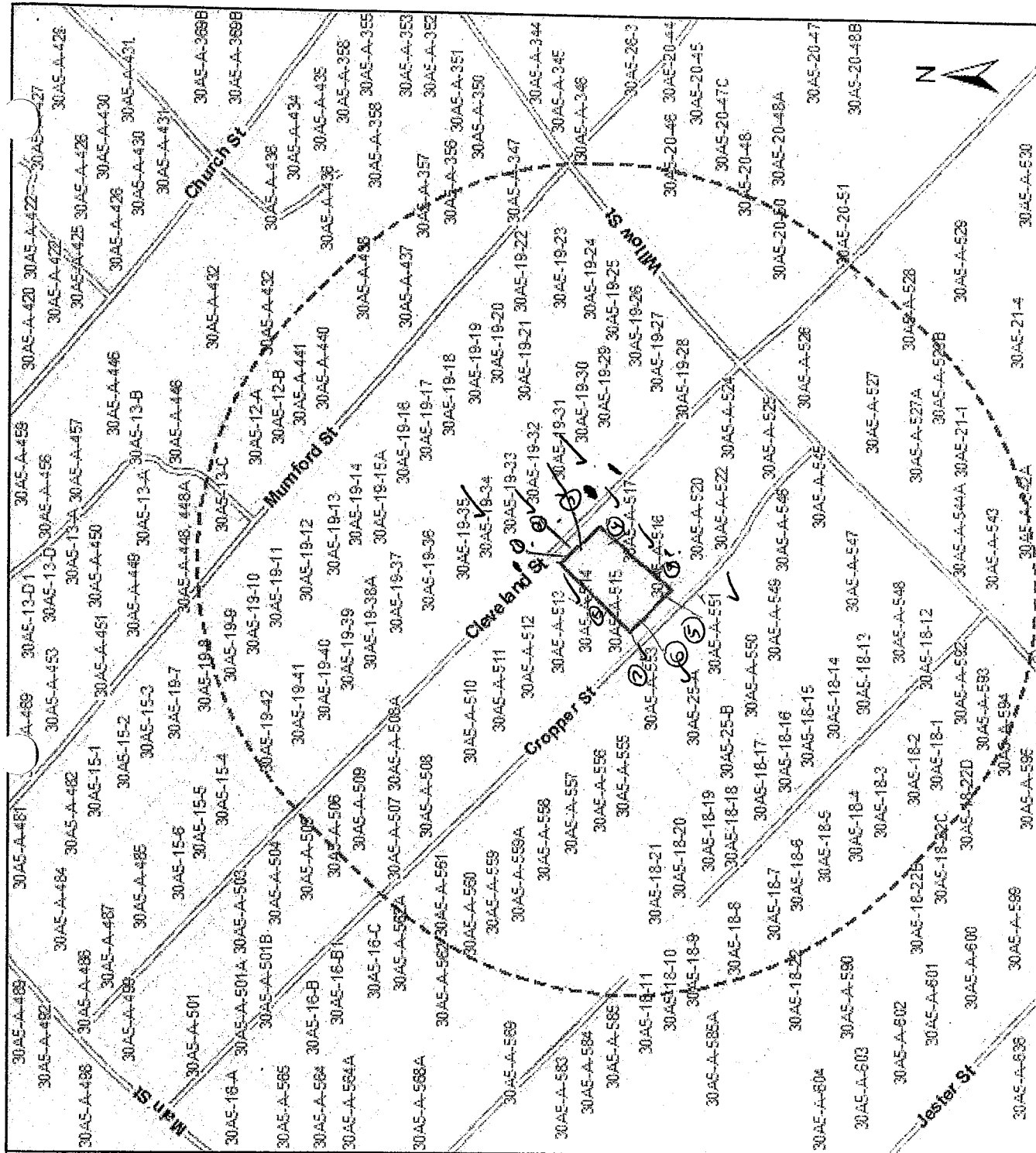
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# Accomack County, Virginia

## Legend

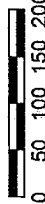
- Road Labels
- Town Labels
- Parcels
- Parcel Labels



Title:

Date: 11/1/2011

Feet



1:2,400 / 1"=200 Feet

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and the Accomack County is not responsible for its accuracy or how current it may be.



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**Map ID:** 30A5-A-514 **Parcel ID:** 030A5A000051400 **GPIN:** 3887-37-8711

[Summary](#) [Land](#) [Building](#)**Owner's Name:**

TERHUNE, HENRY A  
OR MARY P TERHUNE

**Mailing Address:**

3324 HOLLOMAN RD  
FALLS CHURCH VA 22042

**Zoning:** Incorporated Town**Tax District:** *Subscription Only***Sale Information**

**Transfer Date:** 06/27/2011  
**Sales Price:** \$300,000.00  
**Grantor:** CARTER, LUTHER J ETUX  
**Deed Reference:** 2011 02431  
**Plat Book:** No Data  
**Plat Page:** No Data


**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$145,200	\$145,200
<b>Total Value:</b>	\$245,200	\$245,200

*The assessment information is obtained from the total value of these parcels...*  
30A5-A-514

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**Map ID:** 30A5-A-516   **Parcel ID:** 030A5A000051600   **GPIN:** 3887-37-8681

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
SNEAD, WILLIAM R LIFE  
C/O STEPHEN JOE

**Mailing Address:**  
10 SLOOP CT  
BARNEGAT NJ 08005



**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 01/01/1900  
**Sales Price:** \$0.00  
**Grantor:** *No Data*  
**Deed Reference:** 0683 00137  
**Plat Book:** 0683  
**Plat Page:** 00137

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$55,200	\$4,400
<b>Total Value:</b>	\$155,200	\$104,400

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30A5-A-516

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**Map ID:** 30A5-A-517    **Parcel ID:** 030A5A000051700    **GPIN:** 3887-37-9635

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
TOLBERT, NANCY L  
*No Data*

**Mailing Address:**  
6350 CLEVELAND ST  
CHINCOTEAGUE VA 23336

*Photo Not Available*

**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 09/29/2008  
**Sales Price:** \$0.00  
**Grantor:** VINCENT T TOLBERT  
**Deed Reference:** 2008 00217  
**Plat Book:** *No Data*  
**Plat Page:** *No Data*

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$75,200	\$75,200
<b>Total Value:</b>	\$175,200	\$175,200

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30A5-A-517

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**Map ID:** 30A5-19-31 **Parcel ID:** 030A51900003100 **GPIN:** 3887-47-0754

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
BECKWITH, ROBERT G  
OR MARIE A BECKWITH

**Mailing Address:**  
13040 PRICES DISTILLERY RD  
CLARKSBURG MD 20871



**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 01/01/1900  
**Sales Price:** \$0.00  
**Grantor:** *No Data*  
**Deed Reference:** 0715 00231  
**Plat Book:** 0715  
**Plat Page:** 00231


**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$69,600	\$69,600
<b>Total Value:</b>	\$169,600	\$169,600

*The assessment information is obtained from the total value of these parcels...*  
30A5-19-31

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**Map ID:** 30A5-19-32 **Parcel ID:** 030A51900003200 **GPIN:** 3887-47-0718

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
FICKEN, FREDRICK J  
OR GAIL A FICKEN

**Mailing Address:**  
6347 CLEVELAND ST  
CHINCOTEAGUE ISLAND VA 23336-2445



**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 01/01/1900  
**Sales Price:** \$0.00  
**Grantor:** *No Data*  
**Deed Reference:** 2000 4373  
**Plat Book:** 2000  
**Plat Page:** 4373

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$83,700	\$83,700
<b>Total Value:</b>	\$183,700	\$183,700

*The assessment information is obtained from the total value of these parcels...*  
30A5-19-32

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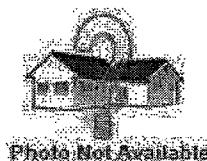
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**Map ID:** 30A5-19-33 **Parcel ID:** 030A51900003300 **GPIN:** 3887-37-9871

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
BRASURE, RUBY Q  
KAY B LOVING C/O RUBY BRASURE

**Mailing Address:**  
6343 CLEVELAND ST  
CHINCOTEAGUE VA 23336



**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 01/01/1900  
**Sales Price:** \$0.00  
**Grantor:** *No Data*  
**Deed Reference:** 0565 00586  
**Plat Book:** 0565  
**Plat Page:** 00586

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$93,800	\$93,800
<b>Total Value:</b>	\$193,800	\$193,800

*The assessment information is obtained from the total value of these parcels...*  
30A5-19-33

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**Map ID:** 30A5-19-34 **Parcel ID:** 030A51900003400 **GPIN:** 3887-37-9845

[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
FINE, DALTON EDWARD  
*No Data*

**Mailing Address:**  
917 GREEN GROVE RD  
SPRING MILLS PA 16875-8522



**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** *No Data*  
**Sales Price:** *No Data*  
**Grantor:** *No Data*  
**Deed Reference:** *No Data*  
**Plat Book:** *No Data*  
**Plat Page:** *No Data*

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$10,000	\$10,000
<b>Improvement:</b>	\$0	\$0
<b>Total Value:</b>	\$10,000	\$10,000

*The assessment information is obtained from the total value of these parcels...*  
30A5-19-34



# Accomack County, Virginia

---

**Map ID:** 30A5-A-549  
**Parcel ID:** 030A5A000054900  
**GPIN:** 3887-37-7495

**Owner's Name:**  
CONKLIN,CHRIS BENNETT  
No Data

**Mailing Address:**  
6368 CROPPER STREET  
CHINCOTEAGUE, VA 23336



## Current Sales Information

**Sale Price:** \$0  
**Transfer Date:** 01/01/1900  
**Deed Reference:** 0657 00291  
**Grantor:** No Data

	2010	2011
Land Value:	\$100,000	\$100,000
Improvement:	\$236,200	\$236,200
Total Value:	\$336,200	\$336,200

**The assessment information is obtained from the total value of these parcels:**  
30A5-A-549

## Land

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**Zoning:** Incorporated Town  
**Tax District:** Subscription Only  
**Property Class:** 300-Multiple Family  
**Legal Description:** REED RES & 3  
COTTAGES  
138 CROPPER ST  
**Land Description:** No Data  
**Street Type:** Subscription Only

## Utilities

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**Electricity:** Subscription Only  
**Gas:** Subscription Only  
**Sewer:** Subscription Only  
**Water:** Subscription Only

## Building

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**Map ID:** 30A5-A-551 **Parcel ID:** 030A5A000055100 **GPIN:** 3887-37-7583

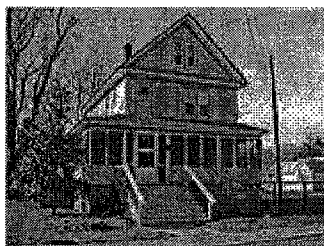
[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
MATTHEWS, RONALD B  
& DEE F OTTOLINI

**Mailing Address:**  
73 CHEW RD  
BARTO PA 19504

**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** 01/01/1900  
**Sales Price:** \$0.00  
**Grantor:** *No Data*  
**Deed Reference:** 0588 00655  
**Plat Book:** 0588  
**Plat Page:** 00655


**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$101,900	\$101,900
<b>Total Value:</b>	\$201,900	\$201,900

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30A5-A-551

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**Map ID:** 30A5-A-553 **Parcel ID:** 030A5A000055300 **GPIN:** 3887-37-7602

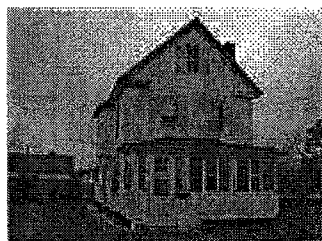
[Summary](#) [Land](#) [Building](#)

**Owner's Name:**  
JONES, MARY BURTON  
C/O MARY BOUNDY

**Mailing Address:**  
6346 CROPPER ST  
CHINCOTEAGUE VA 23336

**Zoning:** Incorporated Town

**Tax District:** *Subscription Only*

**Sale Information**

**Transfer Date:** *No Data*  
**Sales Price:** *No Data*  
**Grantor:** *No Data*  
**Deed Reference:** *No Data*  
**Plat Book:** *No Data*  
**Plat Page:** *No Data*

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$42,700	\$42,700
<b>Total Value:</b>	\$142,700	\$142,700

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30A5-A-553

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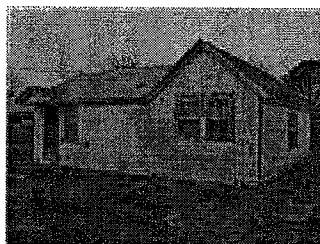
**Map ID:** 30A5-25-A **Parcel ID:** 030A52500A00000 **GPIN:** 3887-37-6576

[Summary](#) [Land](#) [Building](#)**Owner's Name:**

JONES, MARY B  
C/O MARY BOUNDY

**Mailing Address:**

6346 CROPPER STREET  
CHINCOTEAGUE VA 23336

**Zoning:** Incorporated Town**Tax District:** *Subscription Only***Sale Information**

**Transfer Date:** *No Data*  
**Sales Price:** *No Data*  
**Grantor:** *No Data*  
**Deed Reference:** *No Data*  
**Plat Book:** *No Data*  
**Plat Page:** *No Data*

**Assessment Information**

	2010	2011
<b>Land Value:</b>	\$100,000	\$100,000
<b>Improvement:</b>	\$21,300	\$21,300
<b>Total Value:</b>	\$121,300	\$121,300

*The assessment information is obtained from the total value of these parcels...*  
30A5-25-A